



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTH OMNIBUS
OBJECTION OF USACM LIQUIDATING
TRUST TO DOUBLE COUNTED
CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Sixth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7504] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7504] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there.

9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (018024)

12 Rob Charles

13 John Hinderaker (*pro hac vice*)

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18 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
DERY TENANTS IN COMMON, ANN R & JAMES D	10 LONGMEADOW LN BEACHWOOD OH 44122	10725-02062	303,615.18	151,807.59
DERY, JAMES D & ANN R	HUSBAND & WIFE 10 LONGMEADOW LN BEACHWOOD OH 44122	10725-02063	2,793,347.72	1,396,673.86
DI SALVO, ANNE F	PO BOX 18220 RENO NV 89511-0220	10725-00896	23,810.26	11,905.13
DOBYNE IRA, LEAH K	3416 CANTURA BLUFF AVE NORTH LAS VEGAS NV 89031-3577	10725-01920	115,700.00	57,850.00
DOBYNE LIVING TRUST	ROBERT S & LEAH K DOBYNE TTEES 3416 CANTURA BLUFF AVE NORTH LAS VEGAS NV 89031-3577	10725-01921	474,358.44	237,179.22
DONALD & BEVERLY W SWEZEY 2001 TRUST 2/20/01	DONALD & BEVERLY W SWEZEY TTEE 3666 CHEROKEE DR CARSON CITY NV 89705-6813	10725-02295	100,000.00	50,000.00
DONALD L HESS & KAY J HART JT TEN	1818 MADERO DR THE VILLAGES FL 32159	10725-02093	101,552.76	50,776.38
DONALD P CLARK FAMILY TRUST	DONALD P CLARK TTEE 305 W MOANA LN STE C RENO NV 89509	10725-02393	1,118,023.12	559,011.56
DOWNEY, WILLIAM	3637 LARCH AVE STE 3 SOUTH TAHOE CA 96150	10725-02368	800,328.86	400,164.43
DR MELODY A PFINGSTEN & CRYSTAL WITTICH	43613 SOUTHERLAND WAY FREMONT CA 94539-5933	10725-00805	110,887.80	55,443.90
DUNBAR RLT DTD 11/21/98	DONALD C & WANDA DUNBAR TTEES 18124 WEDGE PKWY #153 RENO NV 89511	10725-02405	1,459,731.24	729,865.62